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Rapanos vs. SWANCC

Adjacent or Isolated

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Rapanos vs. SWANCC

What do Rapanos and SWANCC mean to the regulatory biologist

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Rapanos vs. SWANCC

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Adjacent?

Definition 33 CFR 328.3(c)

The term “adjacent” means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes and the like are “adjacent wetlands.”

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Adjacent?

Limits of Jurisdiction 33 CFR 328.4(c)

1) In the absence of adjacent wetlands, jurisdiction extends to the OHWM
2) When adjacent wetlands are present, jurisdiction extends beyond the OHWM to the limit of adjacent wetlands
3) When WOUS consist only of wetlands, jurisdiction extends to the limit of the wetland

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Adjacent?

Rapanos Adjacency Guidance

Decisions regarding adjacency should be made using the best available information, such as aerial photographs, soil surveys, topographic maps and direct observations, and documented on the Approved Jurisdictional Determination Form

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Adjacent?

Savannah Adjacency Factors

- Within 100-year floodplain or any active floodplain
- Proximity to TNW or RPW (no specific distance)
- Geomorphometry (landscape position to TNW or RPW)
- Surface hydrologic connections
- Size of wetland (flood storage capacity)

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Adjacent?

Recent Headquarters Determination

- EPA elevated Savannah determination for 70 acres of isolated wetlands on a barrier island
- Headquarters determined wetlands to be adjacent based on proximity to TNW, surface and subsurface hydrologic connectivity and physical characteristics
- Savannah District will use guidance on case-by-case basis to assist with future barrier island sites

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Rapanos vs. SWANCC

- Rapanos did not change SWANCC
- Savannah District continues to make isolated wetland determinations consistent with its pre-Rapanos SWANCC policy
- However, some 2001-2002 Savannah District isolated wetland determinations may be in error and will change when re-verification is requested

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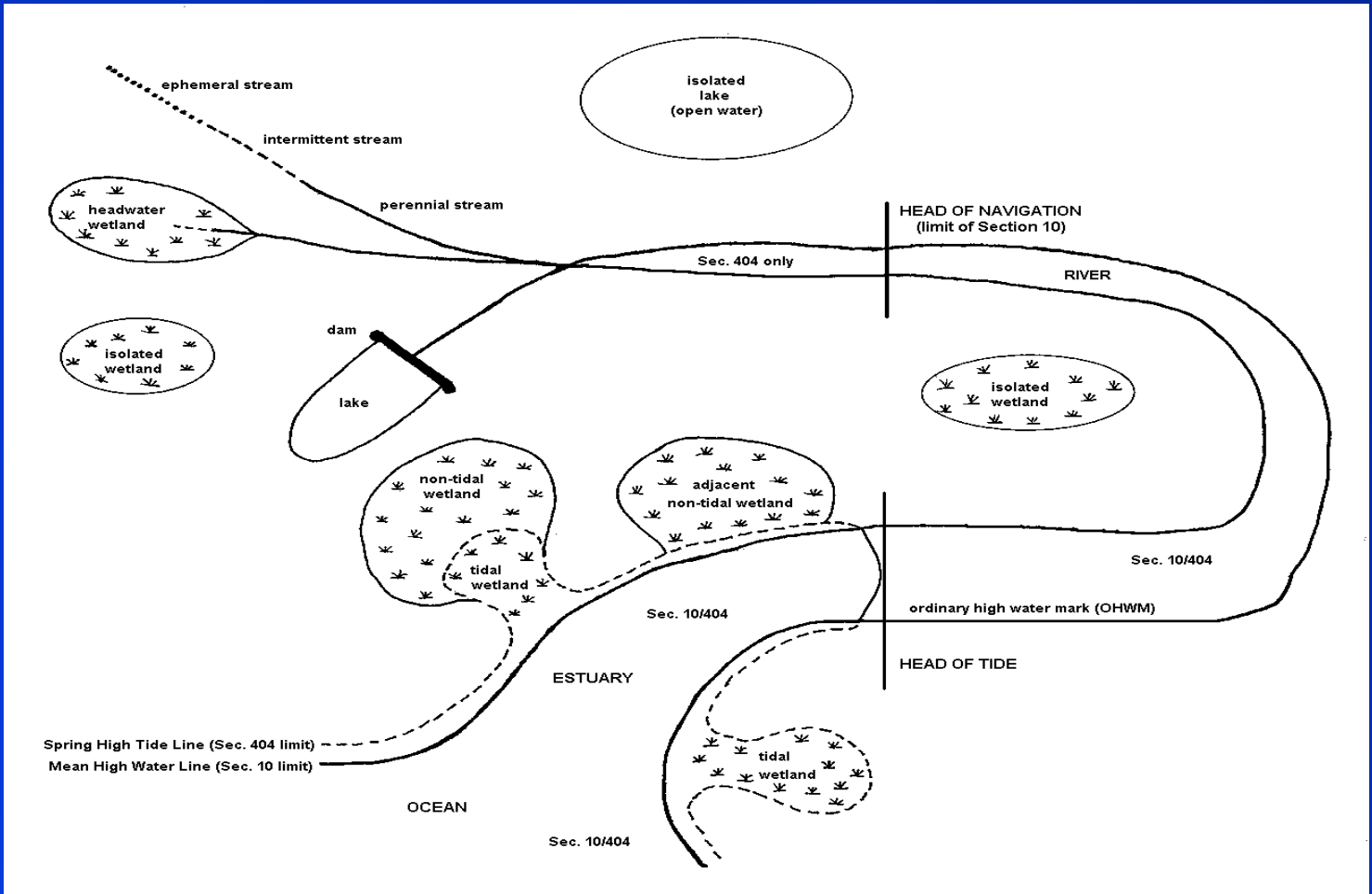
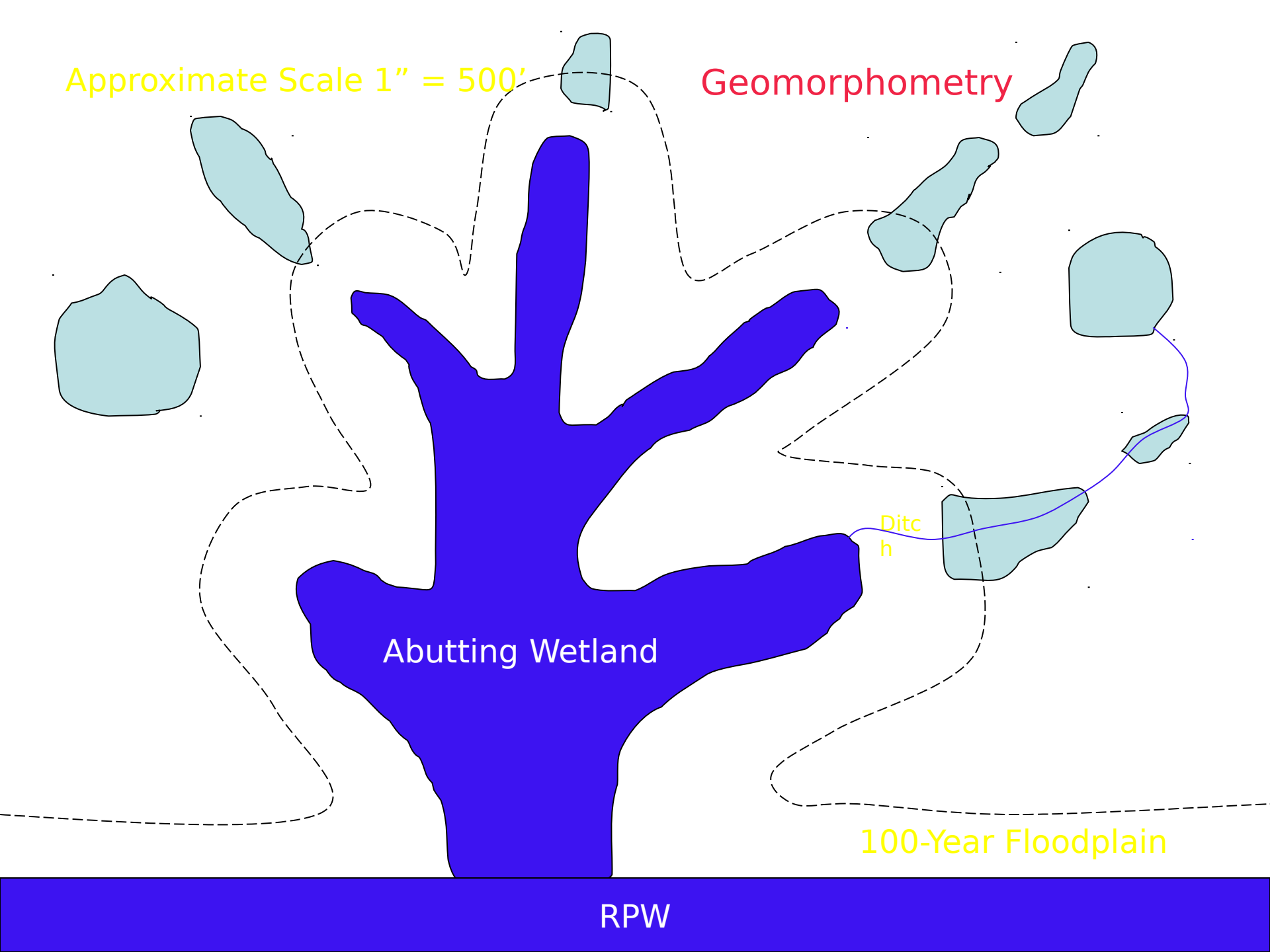
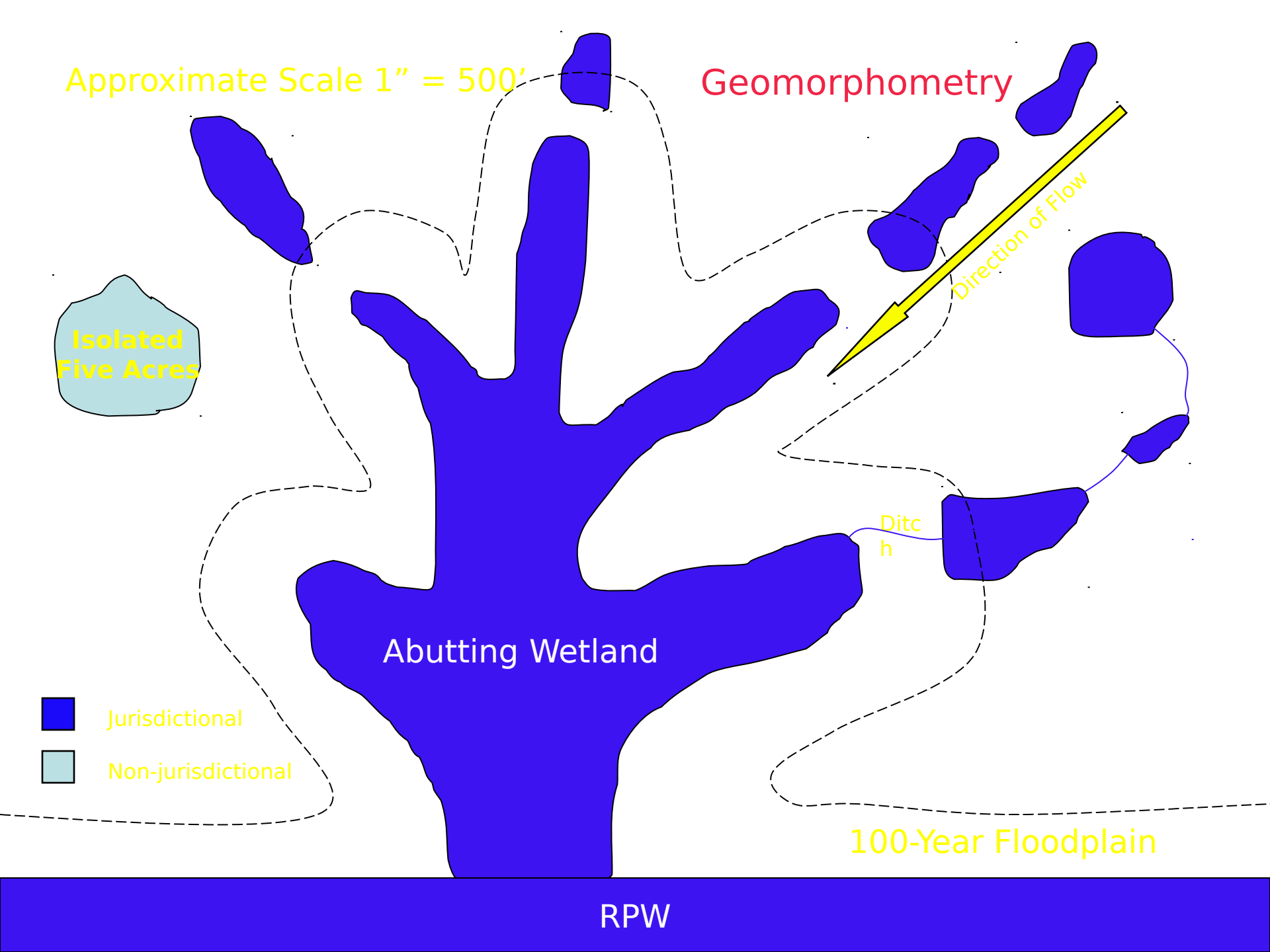
Pre-Rapanos Headquarters Guidance




Approximate Scale 1” = 500’
Geomorphometry
Ditch
Abutting Wetland
100-Year Floodplain
RPW


Approximate Scale 1” = 500’
Geomorphometry
Direction of Flow
Isolated
Five Acres
Ditc
h
Abutting Wetland
Jurisdictional
Non-jurisdictional
100-Year Floodplain
RPW

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Geomorphometry

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Continuous Surface Connection

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Continuous Surface Connection

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Isolated Wetland Example

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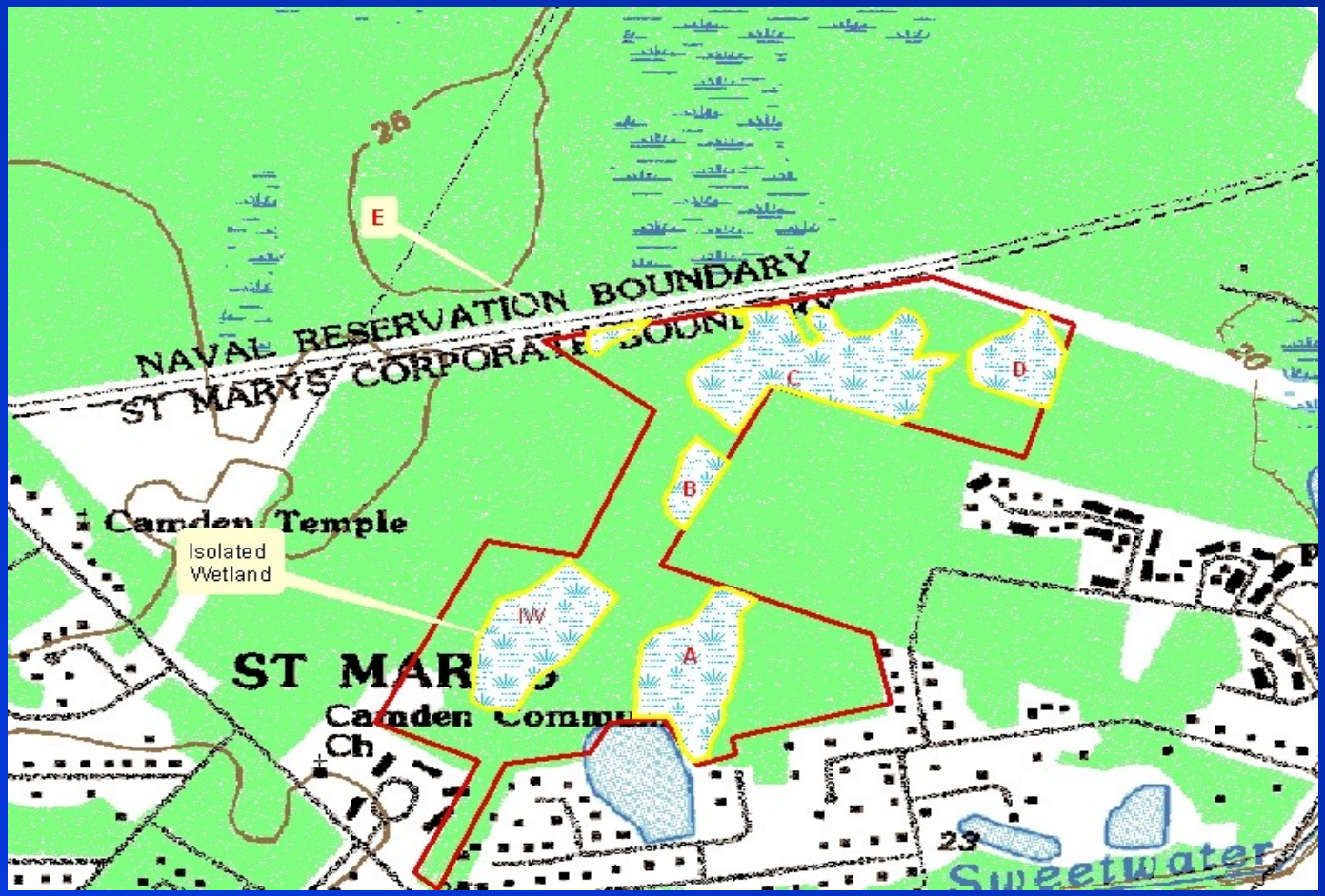
Isolated Wetland Exmaple



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Adjacency Summary

- Abutting TNW or RPW
- Proximity to TNW or RPW
- Jurisdictional ditch connection
- Continuous surface connection
- Within 100-year Floodplain
- Geomorphometry (landscape position)

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Isolated Summary

- If it's not abutting a TNW or RPW – it might be isolated
- If it's a thousand feet or more from the nearest TNW or RPW – it might be isolated
- If there's no ditch or continuous surface connection to a TNW or RPW – it might be isolated
- If it's not within the 100-year floodplain – it might be isolated
- If there's no obvious down-slope direction of flow to other nearby wetlands (geomorphometry) – it might be isolated